

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FREDERICO RIVAS,

Defendant.

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8:06CR367

ORDER

This matter is before the court on the motion for an extension of time by defendant Frederico Rivas (Rivas) (Filing No. 18). Rivas seeks until January 19, 2007, in which to file pretrial motions in accordance with the progression order (Filing No. 10). Rivas's counsel represents that Rivas consents to the motion and has submitted an affidavit wherein Rivas acknowledges that he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 19). Rivas's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Defendant Rivas's motion for an extension of time (Filing No. 18) is granted. Defendant Rivas is given until **on or before January 19, 2007**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 20, 2006 and January 19, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

2. The evidentiary hearing tentatively scheduled for 1:30 p.m. on January 5, 2007, is **canceled** and will be rescheduled, if necessary, following the filing of any pretrial motions in accordance with this order.

DATED this 20th day of December, 2006.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge